

## Appendix A

### UNIFIED DEVELOPMENT ORDINANCE\*

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\***Editor's note**—Printed herein is the Unified Development Ordinance for Lee County, North Carolina, adopted by the county council on Sept. 19, 2005. Amendments to the original ordinance are indicated by parenthetical history notes following amended provisions. For stylistic purposes, a uniform system of punctuation, capitalization, headings, catchlines, citation to state statutes, and expression of numbers in text has been used to conform to the Code. Obvious misspellings have been corrected without notation and material in brackets [ ] has been added for clarity.

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**ARTICLE 10. SITE DESIGN STANDARDS**

*Summary:* This section establishes standards to guide the design and review of certain types of residential development as well as large-scale commercial development. This section also includes standards for open storage and solid waste storage.

**10.1. Outdoor storage and solid waste storage standards.**

10.1.1. *Outdoor storage defined.* The provisions of these subsections 10.1.1 through 10.1.3, herein, shall apply to all uses of land that include outdoor storage. Outdoor storage shall include any site or use of land that includes the outdoor storage of machinery, equipment, towed vehicles or other bulk material or item. Finished products as included on a business site and placed out of doors for the purposes of sale or display of product shall not be considered as outdoor storage for the purposes of these subsections 10.1.1 through 10.1.3.

10.1.2. *Outdoor storage in residential zoning districts.*

10.1.2.1. Open storage of materials for legal non-residential uses operating within a residential zoning district shall conform to the standards of subsection 10.1.3, Non-residential zoning districts. Open storage shall not be permitted in residential zoning districts unless such storage is associated with a legal conforming or legal non-conforming business use.

10.1.3. *Outdoor storage in non-residential zoning districts.* For those uses which are permitted outdoor storage, such storage areas shall comply with the following:

10.1.3.1. Outdoor storage areas shall be prohibited within any building setback yard and/or required buffer yard. This provision shall not apply to nursery stock in non-residential zoning districts.

10.1.3.2. Outdoor storage areas shall be screened by a Type C bufferyard in accordance with section 7.5 of this ordinance.

10.1.3.3. Except for integral units (see Definitions, appendix A), openly stored items shall not project above the screening. Notwithstanding this requirement, no item may exceed the building height restrictions in Table 4.7-1 for the zoning district within which the item is located.

10.1.3.4. No open storage area shall be maintained in the required front yard area.

10.1.3.5. Fences of chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, shall not be considered as sufficient materials to screen outdoor storage areas or operations.

10.1.3.6. The provisions of this subsection 10.1.3 shall not apply to any existing use(s) that is considered a legal nonconforming use as set forth in article 12 of this ordinance, provided however, that no existing outdoor storage area may be expanded or enlarged except in accordance with the provisions herein this ordinance.

10.1.4. *Solid waste storage areas/dumpsters.* The provisions of this subsection 10.1.4 shall apply to all non-residential development, multi-family residential developments and/or single-family attached residential developments, which do not use roll-out containers for curbside solid waste pickup.

10.1.4.1. Solid waste dumpsters or other large containers for solid waste storage shall be located in such a manner so as to be screened from view from a public street or other such public location. Fencing, landscaping, building walls, or any other material may be used to provide the necessary screening. No solid waste storage area shall be located in any front building yard setback as described in Table 4.7-or any street yard or buffer yard as set forth in article 7.

10.1.4.2. The administrator shall have the authority to waive all or a portion of the requirement as set forth in subsection 10.1.4.1, above, if evidence can be presented by the developer or property owner that the required screening can not be accomplished due to physical constraints or layout of the property being developed.

(Ord. of 9-19-2005)

## 10.2. Shopping centers and superstores.

10.2.1. *Applicability.* The following standards and guidelines apply to any shopping centers and/or superstores in excess of 25,000 square feet of gross floor area (GFA) and as listed in the use matrix, Table 4.6-1.

### 10.2.2. *Site design.*

10.2.2.1. *Outdoor space.* Commercial uses shall provide at least one outdoor space, or site amenity, to beautify the site in addition to the minimum landscaping requirements of article 7. The outdoor space or site amenity is intended to enhance the vehicular and pedestrian entryways to the site and the buildings on the site. An "outdoor space" or "site amenity" may include, but is not limited to, the following and other landscaping design alternatives:

- A public plaza or courtyard on the site;
- A landscaped median for the driveway(s) leading into the site and landscaped pedestrian areas; or
- A public square or park on the site, or on adjacent land.

10.2.2.2. *Design features.* The outdoor space or site amenity shall be improved with features which may include, but are not limited to:

- Landscaping
- Seating walls
- Benches
- Fountains
- Clock towers.

Seating walls, benches, fountains and clock towers are not mandatory, but instead are listed only as examples of outdoor spaces or design amenities that satisfy the requirements of this section.

10.2.2.3. *Building setbacks.* The minimum setback for any facade shall be 75 feet from the nearest perimeter property line. Perimeter property lines are those that establish the boundaries of the development, including any and all perimeter outparcels.

10.2.3. *Landscaping.* A landscaping plan shall be submitted which shall incorporate all applicable landscaping requirements as set forth in article 7 and subsection 10.2.7 of this ordinance.

### 10.2.4. *Pedestrian circulation.*

10.2.4.1. Sidewalks shall be constructed within the interior of the development to link buildings with other destinations such as, but not limited to: • parking, • adjoining streets, • adjoining sidewalks, or • adjoining developments or amenities where appropriate pedestrian connections can be reasonably accomplished. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in article 10 of this ordinance.

10.2.4.2. Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets that provide access to the development. Such improvements may be subject to road widening and other related improvements. Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer and/or owner. Design standards shall be subject to review and approval as described in article 10.

10.2.5. *Outdoor storage.* Standards for outdoor storage and/or display shall be regulated in accordance with section 10.1 of this article.

10.2.6. *Building design.*

10.2.6.1. This section contains recommended building design features that should be considered when designing a new shopping center or superstore. The intent of this section is to provide design elements that will result in interesting and aesthetically attractive retail developments and to avoid monotony in design.

- Facades of greater than 150 feet in length, measured horizontally, should incorporate wall plane projections or recesses to create an interesting and attractive architectural design which is comprised of more than flat walls with minimal features.
- Ground floor facades that face public streets should have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.
- Consider using parapets along wall edges to assist in concealing flat roofs and rooftop equipment, such as HVAC units from public view.
- Three or more roof slope planes should be considered.
- Recommended predominant exterior building materials include brick, wood, stucco, sandstone, other native stone, or tinted, textured, or concrete masonry units.
- Facade colors should be low reflectance, subtle, neutral or earth tone colors except as provided herein. High intensity colors, metallic colors, black or fluorescent colors should only be used to accent elements, such as door and window frames and architectural details.
- It is recommended that no more than 50 percent of exterior building materials shall include smooth-faced concrete block, smooth-faced tilt-up concrete panels or pre-fabricated steel panels.
- To the greatest extent possible, mechanical appurtenances should be located within the structure. External mechanical appurtenances such as heating and air conditioning equipment should be screened from public view and finished to match the colors of adjacent building materials.
- Entryway design elements and variations should provide orientation and aesthetically pleasing character to the building. It is recommended that such entryways include one or more of the following:
  - Canopies or porticos
  - Overhangs
  - Recesses/projections
  - Arcades
  - Raised corniced parapets over the door
  - Peaked roof forms
  - Arches
  - Outdoor patios
  - Display windows
  - Architectural details such as tile work and moldings which are integrated into the building structure and design
  - Integral planters or wing walls that incorporate landscaped areas and/or places for sitting

10.2.7. *Parking standards.* In addition to the minimum off-street parking and vehicular standards in article 8 of this ordinance, shopping centers and superstores shall conform to the following:

- Limited to a maximum of one space per 150 square feet of gross floor area, unless the developer can provide evidence that a greater amount of permanent off-street parking is necessary for the proposed use(s).
- Required parking area landscaping trees (article 7) shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows of parking spaces in a manner such that no parking space is located more than 100 feet from a parking lot tree.

10.2.8. *Signage.*

10.2.8.1. All proposed shall conform to the dimensional requirements as set forth in article 11 of this ordinance.

10.2.8.2. In addition to the standards as set forth in article 11 for signage, shopping centers/superstores in excess of 25,000 square feet shall be required to submit a common signage plan to be reviewed and approved by the administrator. The common signage plan shall consist of the following elements:

- Location and size of all proposed signs. All ground mounted sign locations shall be identified on a site plan and all wall mounted signs shown on a set of building elevation drawings.
- Materials. Description of the type of sign including construction materials, mounting style, and method of lighting. Use of the similar materials and mounting style throughout the development is encouraged to maintain a uniform and attractive appearance.
- Color. Listing of the colors to be used on each sign. A maximum of three colors is allowed on a single common sign plan. Any neon lighting for building signage must be matched to an approved color specified on the signage plan in order to be included as part of the color scheme. White and black, whether used as a background or for lettering, shall not be counted as one of the three colors for the common signage plan.

10.2.8.3. The requirements of the common signage plan shall apply to all businesses within a related project, even if the properties have been subdivided (i.e. outparcels within a shopping center).

10.2.9. *Easement agreements.* Easement agreements, for the purposes of vehicular access and/or extension of public utilities, shall be reviewed by the appropriate jurisdictional attorney prior to recordation. All such easements shall also be shown on related subdivision plat(s) as set forth in article 6 of this ordinance. (Ord. of 9-19-2005)

**10.3. Multi-family residential development.**

10.3.1. *Purpose.*

10.3.1.1. The purpose of this section is to provide reasonable design standards for multi-family residential developments and single-family attached residential developments which:

- Provide design flexibility;
- Accommodate affordable housing for current and future residents of the county;
- Protect the health, safety and general welfare of the general public and occupants of the units;
- Protect the property values of surrounding dwelling units;
- Promote a pedestrian-friendly, walkable streetscape; and
- Provide for aesthetically pleasing development patterns.

10.3.1.2. This section applies to multi-family dwelling units as permitted by the use matrix (section 4.6, Table 4.6-1 of this ordinance).

10.3.1.3. For purposes of computing the number of dwelling units to determine applicability of the standards of this section, the number of existing or proposed dwelling units within any tract of land plus all existing or proposed multi-family dwellings on any adjacent property under common ownership shall be counted.

10.3.2. *Design standards.*

10.3.2.1. *Open space.*

10.3.2.1.1. Common open space areas shall be required in accordance with the parks and open space standards (section 6.5) of this ordinance.

10.3.2.1.2. The community development department may waive up to 50 percent of the open space requirement if all units within the development are located within 1,000 feet of a public park as measured along a public sidewalk, trail or bikeway.

10.3.2.1.3. The open space requirements of this section shall not apply to multi-family residential developments which are second floor units above first floor commercial development, or to any residential developments in the "CBD" zoning district which are above the first floor.

10.3.2.1.4. Open space provided pursuant to this requirement shall be accessible to all residents of the development and shall measure at least 30 feet across its narrowest dimension.

10.3.2.2. *Pedestrian improvements.*

10.3.2.2.1. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in article 6 of this ordinance.

10.3.2.2.2. Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets which provide access to the development. Improvements located in the City of Sanford shall be subject to review and approval by the department of public works.

10.3.2.3. *Building standards.* The following standards shall apply to building design:

- (a) The minimum spacing between buildings is 20 feet, plus one foot for each one foot of building height in excess of 30 feet.
- (b) The setbacks and building height standards shall otherwise comply with section 4.7 of this ordinance.
- (c) Facades greater than 80 feet in length, measured horizontally, shall incorporate wall plane projections or recesses. Ground floor facades that face public streets shall have arcades, windows, entry areas, awnings, or other such features along no less than 40 percent of their horizontal length.
- (d) Buildings should be arranged on multi-family sites in patterns that are not strictly linear. Placement of buildings in continuous straight lines should be avoided.
- (e) Entryways shall face a street, sidewalk, or common area. Buildings shall not face the rear of other buildings on the same lot or parcel.

10.3.2.4. *General standards.*

10.3.2.4.1. All utility lines shall be located underground, except as noted herein. If a developer can provide evidence that it is physically impossible to underground such utilities without undue hardship,

staff can waive this requirement. However, please note that a hardship based solely on the additional cost of undergrounding the utilities must be a significant amount above the normal cost of doing such work.

10.3.2.4.2. Outdoor area lighting shall be provided for security. Such lighting shall be shielded to direct light downward and not into dwelling units on, or adjacent to, the multi-family site. Lighting shall be provided to illuminate the intersections of primary interior driveways and building entryways.

10.3.2.4.3 A landscaping plan shall be submitted which shall incorporate all applicable landscaping requirements as set forth in article 7 of this ordinance.

(Ord. of 9-19-2005)

#### **10.4. Accessory dwellings (RA and RR districts only).**

10.4.1. In accordance with Table 4.6-1 (see article 4), accessory dwellings are permitted in the RA residential agricultural district and the RR restricted residential district.

10.4.2. *Standards for accessory dwellings in the RA and RR zoning districts.*

- Only one accessory dwelling shall be permitted per lot.
- An accessory dwelling unit shall be sited to the side or the rear of the principal dwelling.
- An accessory dwelling unit shall meet all setback requirements as established for principal uses within the zoning district within which it is located.
- Adequate off-street parking shall be provided for any vehicles owned by occupants of the accessory dwelling.

(Ord. of 9-19-2005)

#### **10.5. Design standards for individual manufactured homes.**

10.5.1. *Class A manufactured homes.* Class A manufactured homes (see Definitions, "Manufactured home") which are allowed to be placed on individual lots which are not part of a manufactured home park (mobile home park), shall be required to conform to the following design standards:

- a. The pitch of the manufactured home's roof has a minimum vertical rise of two and two-tenths feet for each 12 feet of horizontal run (two and two-tenths inches in 12 inches) and the roof is finished with shingles;
- b. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding, wood or hardboard;
- c. A continuous, permanent masonry foundation, unpierced except for ventilation and access, is installed under the manufactured home;
- d. The tongue, axles, removable towing apparatus, and transporting lights are removed after final placement on the site.

10.5.2. *Class B manufactured homes.* Class B manufactured homes (see Definitions, "Manufactured home") which are allowed to be placed on individual lots which are not part of a manufactured home park (mobile home park), shall be required to conform to the following design standards:

- a. The home shall include a continuous, uniform foundation enclosure, unpierced except for required ventilation and access.
- b. The enclosure may consist of brick, concrete block, wood, vinyl or metal fabricated for this purpose. Any wood to be used for this purpose, shall consist of treated lumber.

10.5.3. *Class C manufactured homes.* Class C manufactured homes (see Definitions, "Manufactured home") which are allowed to be placed on individual lots which are not part of a manufactured home park (mobile home park), shall be required to submit the following information:

- a. A site plan showing location of the proposed home on the lot; the source for water supply; the method of sewage disposal; the location of all other existing structures or features on the lot.
- b. The dimensions, make, year and model of the manufactured home including photographs showing the exterior (front, sides and rear) of the unit.
- c. Listing of the type of materials to be used for the foundation, steps, porches, deck or other additions.
- d. A certification shall be submitted indicating that the manufactured home is in compliance with state and federal standards in effect at the time the unit was built and that any required repairs or alterations have been properly made. The certification shall be obtained from: (a) a licensed architect, (b) a professional engineer licensed to practice in North Carolina, or (c) a third-party inspection agency approved by the US Dept. of Housing and Urban Development and the NC Dept. of Insurance.

(Ord. of 9-19-2005)

**10.6. Manufactured home for hardship (unincorporated area only).**

10.6.1. For hardship situations, an application for a special use permit for the placement of a manufactured home on a site which already contains an existing dwelling may be applied for on tracts or parcels located in a RA zoning district within the unincorporated areas of Lee County. Hardship shall be defined as:

- The person or persons occupying the manufactured home are physically dependent upon the person or persons occupying the existing principal dwelling;
- The person or persons planning to occupy the manufactured home must provide evidence that they cannot, because of financial or other conditions, locate elsewhere.

10.6.2. The manufactured home shall meet the standards for Class A or Class B home as defined in this ordinance. (see Definitions, "Manufactured home")

10.6.3. The placement of the manufactured home adjacent to the existing dwelling unit shall not create unhealthy or unreasonable living conditions.

10.6.4. The manufactured home must be located such that it can be served by a water and sewer system as approved by the Lee County Environmental Health Department.

10.6.5. The manufactured home shall conform to the respective design criteria as set forth in section 10.5. of this ordinance.

10.6.6. *Expiration.* An approved special use permit for a manufactured home for hardship shall be valid for two years.

10.6.7. If during the time of a valid special use permit for hardship, it is determined that the foregoing conditions cease to be complied with or the hardship no longer exists, the permit shall automatically be revoked and the manufactured home removed.

(Ord. of 9-19-2005)